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5 IN THE UNITED STATES DISTRICT COURT  
6 FOR THE NORTHERN DISTRICT OF CALIFORNIA  
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8 IN RE: UBER TECHNOLOGIES, INC.,  
9 PASSENGER SEXUAL ASSAULT  
10 LITIGATION

MDL No. 3084

11 This Order Relates To:

12 *ALL CASES*

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**PRETRIAL ORDER NO. 26:  
BELLWETHER TRIAL WAVE 1  
CASE ASSIGNMENTS AND  
DISCOVERY SCHEDULE**

At a Case Management Conference on April 18, 2025, the Court ordered the parties to file letter briefs regarding bellwether case assignments for Trial Wave 1. The parties submitted their competing proposals on April 23, 2025. See dkt. 2847, 2848. The Court considered the letter briefs and shared a revised case assignment proposal for Trial Wave 1 on April 28, 2025. See PTO 25. The parties expressed their general agreement with PTO 25 in letter briefs submitted on April 30, 2025. See dkt. 2888, 2889. Therefore, and having thoroughly reviewed the relevant materials, the Court establishes the following bellwether case assignments and discovery schedule for Trial Wave 1.

### 1. Trial Wave 1 Case Assignments

The Court has concluded that the six cases identified in PTO 25 and the below chart shall comprise Trial Wave 1:

TRIAL WAVE 1				
Name	Case No.	Alleged Incident	Party Choice	State
B.L.	24-cv-7940	Sexual Penetration	Plaintiffs	CA
A.R.2	24-cv-7821	Kissing of a Sexual Body Part	Plaintiffs	CA
WHB 1486	24-cv-4803	Touching of a Sexual Body Part	Defendants	TX
WHB 1876 <sup>1</sup>	24-cv-5230	Verbal Comments	Defendants	IL
LCHB128	24-cv-7019	Touching of a Sexual Body Part	Plaintiffs	AZ
Jaylynn Dean	23-cv-6708	Sexual Penetration	Plaintiffs	AZ

The parties are directed to immediately notify the Court should any of the six Trial Wave 1 cases reach a settlement agreement. The Court reiterates that these assignments are subject to any forthcoming forum non conveniens motions by the parties, and that the

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<sup>1</sup> As Uber notes in its letter brief, dkt. 2888, WHB 1876 is subject to dismissal in full pending Uber's Motion to Dismiss, dkt. 2791 at 24. The Court shall consider replacing WHB 1876 with a different bellwether case if and when it becomes necessary to do so.

1 order in which the cases are listed is not necessarily indicative of the final sequencing of  
2 individual trials.

3 **2. Trial Wave 1 Case-Specific Substantial Completion Deadline**

4 The Court accepts the parties' joint proposal that the date for substantial completion  
5 of Trial Wave 1 case-specific fact discovery be extended by 30 days, from June 16, 2025  
6 to July 16, 2025. The substantial completion deadline for MDL-wide corporate discovery  
7 shall remain June 16, 2025. The Court shall determine the substantial completion  
8 deadlines for subsequent Trial Waves at a later date.

9 **3. Discovery Schedule for Trial Wave 1 Bellwether Cases**

10 The Court also agrees with the parties that the remaining discovery and motions  
11 schedule provided by PTO 25 shall apply **only** to the six Trial Wave 1 bellwether cases:

- 12 a. Trial Wave 1 case-specific fact discovery will be substantially complete by  
13 **July 16, 2025.**
- 14 b. The parties shall exchange expert reports by **August 8, 2025**. The parties  
15 shall exchange rebuttal expert reports by **September 8, 2025**.
- 16 c. Trial Wave 1 Discovery will close on **September 22, 2025**.
- 17 d. The parties shall file any Daubert or dispositive motions by **October 8, 2025**.  
18 The parties shall file oppositions to any Daubert and dispositive motions by  
19 **November 11, 2025**. The parties shall file replies in support of any Daubert  
20 and dispositive motions by **November 24, 2025**.
- 21 e. The final pretrial conference for the first Wave 1 bellwether trial will be held  
22 on **December 1, 2025**.
- 23 f. The first Wave 1 bellwether trial will begin **December 8, 2025**.<sup>2</sup>

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28 <sup>2</sup> The Court shall determine the trial order of the Wave 1 cases and the dates for said  
trials as necessary at a later date.

1           **4. Table of Dates for Trial Wave 1 Cases**

3	Deadline	Event
4	July 16, 2025	Substantial completion of bellwether case-specific fact discovery for Trial Wave 1 cases
5	August 8, 2025	Parties shall exchange expert reports
6	September 8, 2025	Parties shall exchange rebuttal expert reports
7	September 22, 2025	Close of discovery for Trial Wave 1 cases
8	October 8, 2025	<u>Daubert</u> and dispositive motions
9	November 11, 2025	Oppositions to <u>Daubert</u> and dispositive motions
10	November 24, 2025	Replies to <u>Daubert</u> and dispositive motions
11	December 1, 2025	Final pretrial conferences for first Wave 1 trial
12	December 8, 2025	First Wave 1 Trial

14           **IT IS SO ORDERED.**

15           Dated: May 1, 2025

  
CHARLES R. BREYER

16           United States District Judge